

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-16 are pending. Claims 1, 5, 9, 11, 13 and 14 are amended. Claims 1, 5, and 9 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Reasons for Entry of Amendments

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment was not presented at an earlier date in view of the fact that the Examiner has just now presented new grounds for rejection in this Final Office Action.

Allowable Subject Matter

The Examiner states that claims 2 and 4 would be allowable if rewritten in independent form.

Applicants thank the Examiner for the early indication of allowable subject matter in this application. However, rather than rewriting either of claims 2 or 4 in independent form at this time, instead as noted below, independent claims 1, 5, and 9 are amended herein to recite novel combinations of elements not disclosed or suggested by any combination of the references cited by the Examiner.

Drawings

It is fully acknowledged that the Examiner has accepted the revised formal drawings submitted on September 25, 2003.

Rejections under 35 U.S.C. §102(b), §102(e), and §103(a)

Claims 1, 3, and 14 stand rejected under 35 U.S.C. §102(b) as being anticipated over Behr (U.S. 3,226,146);

claims 5, 7, and 15 stand rejected under 35 U.S.C. §102(b) as being anticipated over Myers (U.S. 3,831,997);

claims 5-8, and 15 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hachet et al. (U.S. 6,158,356);

claims 9, 11-13, and 16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Renault (U.S. 6,435,577); and

claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Renault.

These rejections are respectfully traversed.

Amendments to Independent Claims 1 and 5

While not conceding the appropriateness of the rejections, but merely to advance prosecution of the instant application, independent claims 1 and 5 are amended to recite novel combinations of elements, including the external force heading from a front side of the vehicle on the bumper member is received by the pair of shock absorbing members fitted into the receiving portions located rearwardly of the rear end of the floor.

Support for the above limitations can be found in the specification, for example, in paragraphs [0044] and [0060]. See also Figs. 1 and 3.

It is respectfully submitted that the combinations of elements set forth in independent claims 1 and 5 are not anticipated or made obvious by the cited art of record, including Behr and Myers.

Regarding the Behr document, the Applicants respectfully submit that Behr is merely directed to an external force on bumper 53 heading from a front side of the vehicle being received by shock absorbing members 57 at the front of the Behr vehicle. As can be seen in Behr Fig. 1, the shock absorbers 57 at the front of the Behr vehicle absorbs the force on the front bumper, and these front shock absorbers are not rearwardly of the rear end of the floor. The Applicants respectfully submit, that the shock absorbers 57 at the rear end of the floor (Shown in Behr Fig. 1 at the back of the vehicle) have nothing whatsoever to do with absorbing an external force on bumper 53 on the front of the vehicle.

Regarding the Myers document, the Applicants respectfully submit that Myers is merely directed to an external force on a front bumper absorbed by shock absorbers 13 and 22, (see Myers Figs 1 and 2), neither of which is disposed rearwardly of the rear end of the floor.

In contrast with the novel combinations of elements as set forth in independent claims 1 and 5 of the present invention, neither Behr nor Myers teaches or suggests external force heading from a front side of the vehicle on the bumper member is received by the pair of shock absorbing members fitted into the receiving portions located rearwardly of the rear end of the floor.

Accordingly, the present invention as set forth in independent claims 1 and 5 distinguishes over the cited art, and reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) are respectfully requested.

Amendments to Independent Claim 9

While not conceding the appropriateness of the rejections, but merely to advance prosecution of the instant application, independent claim 9 is amended herein to recite a combination of elements in a shock absorbing structure, including the upper and the lower shock absorbing members have rear sides mounted on the vehicle body at a position that is rearward of a center of the front wheel, and have front sides which project forwardly of the front wheel by a predetermined length.

Support for the above limitations can be seen, for example, in FIGS. 5 and 9.

It is respectfully submitted that the combination of elements set forth in independent claim 9 is not disclosed or made obvious by the prior art of record, including Renault.

In particular, Renault merely discloses upper and lower absorbers 10 and 32 mounted in bumper skin 34 mounted entirely forward of the center of the front wheel, and fails to teach or suggest upper and lower shock absorbing members having rear sides mounted on the vehicle body at a position that is rearward of a center of the front wheel, and having front sides which project forwardly of the front wheel by a predetermined length.

Accordingly, independent claim 9 is distinguished over the cited art, and reconsideration and withdrawal of the rejection under 35 U.S.C. §102(e) is respectfully requested.

The Examiner will note that dependent claims 11 and 14 are amended to set forth additional novel features of the present invention. Claim 13 is amended to correct a minor informality.

In view of the amendments and argument described above, independent claims 1, 5, and 9 are in condition for allowance. In addition, all dependent are in condition for allowance due to their dependence on allowable independent claims, or due to the additional novel features set forth therein.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

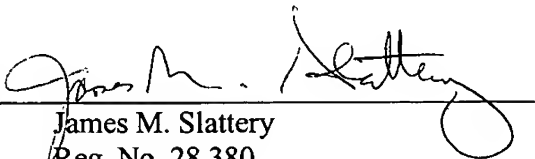
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Amendment dated February 18, 2004
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to debit Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §1.16 or §1.17, particularly extension of time fees, or to credit said Deposit Account for any overpayment of fees.

Respectfully submitted,
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